

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**KATHERINE REYNOLDS,**

**Plaintiff,**

**v.**

**Civil Action No. 3:09cv238**

**RELIABLE TRANSMISSIONS, INC., et al,**

**Defendants.**

**DECLARATION OF DALE W. PITTMAN**

Dale W. Pittman declares under penalty of perjury that the following statements are true:

1. I am a member in good standing of the bars of the following courts:

Supreme Court of the United States  
Washington, DC  
February, 1997

Supreme Court of Virginia  
Richmond, Virginia  
June 8, 1976

U. S. Court of Appeals for the Fourth Circuit  
Richmond, Virginia  
September 2, 1980

U. S. District Court for the Western District of Virginia  
Roanoke, Virginia

U. S. District Court for the Eastern District of Virginia  
Richmond, Virginia  
December 30, 1976

U. S. Bankruptcy Court for the Eastern District of Virginia  
Richmond, Virginia  
November, 1997.

2. I am a 1971 graduate of Hampden-Sydney College and a 1976 graduate of the T.

C. Williams School of Law of the University of Richmond, Virginia. I am a member of the

Virginia State Bar, the Virginia Trial Lawyers Association, the Virginia Bar Association, the National Association of Consumer Advocates, and the Petersburg Bar Association, of which I am a past President. Until June, 2007, I was a member of the Council of the Virginia State Bar, the State Bar's governing body, serving for two terms as the elected representative of the Eleventh Judicial Circuit. I am a member of the Board of Governors of the Virginia Trial Lawyers Association, and I chair the VTLA's Consumer Law Section.

3. From February 1, 1977 until September 13, 1996, I was employed by Southside Virginia Legal Services, in Petersburg, Virginia, as its General Counsel (Chief Executive Officer). My caseload at Southside Virginia Legal Services evolved over the years into a primarily consumer law practice.

4. From September 16, 1996, until the present, I have maintained a private law practice with an office located in Petersburg. My work in private practice is limited almost exclusively to the representation of consumers, with particular emphasis on representing consumer debtors under the Fair Debt Collections Practices Act. I have developed a statewide consumer law practice, and have represented consumers from all regions of the Commonwealth and elsewhere.

5. I was a contributing editor to the consumer law sections of Virginia Practice Manual, a practice manual for Legal Aid lawyers in Virginia, and for private lawyers handling cases under the auspices of *pro bono* initiatives in Virginia.

6. Pleadings and discovery from many of my consumer law cases appear in the National Consumer Law Center's Consumer Law Pleadings, nationally distributed form books of consumer law pleadings, beginning in 1994. Pleadings and discovery from my cases appear in Books 1, 2, 5, 6, 7, 10, and 11.

7. I have given at least sixty lectures to lawyers that qualified for continuing legal education credit.

8. I have made two presentations to Virginia's General District Court judges at the Judicial Conference of Virginia for General District Court judges, one in 1987 and one on August 13, 2008.

9. I have given a number of lectures to professional groups on consumer law issues, including:

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| Debt Collection: Protecting Consumers in Debt Collection and Arbitration | Federal Trade Commission Roundtable, Washington, DC   | December 4, 2009  |
| Handling Fair Debt Collections Practices Act Cases                       | 65 <sup>th</sup> Legal Assistance Course, The Judge Advocate General's Legal Center and School, Charlottesville                       | November 16, 2009 |
| Handling Fair Debt Collections Practices Act Cases                       | VPLC Statewide Legal Aid Conference, Williamsburg   | November 5, 2009  |
| Challenging Predatory Small Loans  | National Consumer Law Center Consumer Rights Litigation Conference, Philadelphia  | October 23, 2009  |
| The Fair Debt Collections Practices Act: Update 2009                     | VA CLE Webinar  | September, 2009   |
| Handling Fair Debt Collections Practices Act Cases                       | 2009 Mid-Atlantic Joint Services Consumer Law Symposium, Naval Legal Service Office Mid-Atlantic Legal Assistance Department, Norfolk | June 12, 2009     |
| Handling Fair Debt Collections Practices Act Cases                       | 64 <sup>th</sup> Legal Assistance Course, The Judge   | April 2, 2009     |

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|  | Advocate General's<br>Legal Center and School,<br>Charlottesville   |                       |
| Defending Consumers in Medical Debt<br>Collection Cases  | National Consumer Law<br>Center's Consumer<br>Rights Litigation<br>Conference in Portland,<br>Oregon  | October, 2008         |
| Combating Consumer Issues Facing the<br>Military, FDCPA Cases  | Consumer Law Intensive<br>for Military Personnel<br>Advocates, National<br>Consumer Law Center's<br>Consumer Rights<br>Litigation Conference in<br>Portland, Oregon | October, 2008         |
| Issues in Arbitration Cases  | Judicial Conference of<br>Virginia for District<br>Court Judges, Virginia<br>Beach  | August 13,<br>2008    |
| A Perfect Storm – The Intersection of the<br>FDCPA and the FCRA in Debt Collection<br>Harassment Cases                   | Virginia CLE Solo and<br>Small Firm Institute,<br>Williamsburg  | May 13, 2008          |
| Defending Debt Collection Suits  | National Consumer<br>Rights Litigation<br>Conference, Washington,<br>D.C.   | November 11,<br>2007  |
| Emerging Issues in Debt Collection<br>Abuse & False Credit Reporting   | Virginia Trial Lawyers<br>Association<br>Solo & Small Firm<br>Conference, Richmond  | October 19,<br>2007   |
| Collecting Consumer Debts: The<br>Challenges of Change. Concerns About<br>Debt Collection: The Consumer's<br>Perspective | Federal Trade<br>Commission,<br>Washington, D.C.  | October 10,<br>2007   |
| The Fair Debt Collections Practices Act<br>(Including 2006 Amendments)   | Virginia CLE  | September 24,<br>2007 |
| Fair Debt Collections Practices Act  | Naval Legal Service   | May 11, 2007          |

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|  | Office Mid-Atlantic Joint<br>Services Consumer Law<br>Symposium, Norfolk                                    |                       |
| How to Win (or Not Lose) an Arbitration  | National Consumer<br>Rights Litigation<br>Conference<br>Miami, Florida                                      | November 11,<br>2006  |
| Consumer Debt Collection   | 59 <sup>th</sup> Legal Assistance<br>Course<br>The Judge Advocate's<br>School<br>Charlottesville            | November 2,<br>2006   |
| Consumer Credit: Remedies You Should<br>be Aware of                                      | Virginia Trial Lawyers<br>Association<br>Solo & Small Firm<br>Conference,<br>Williamsburg                   | October 20,<br>2006   |
| Collection Law From Start to Finish<br>(Presentation on the FDCPA)                       | National Business<br>Institute<br>Richmond  | October 10,<br>2006   |
| Overview of the Fair Debt Collections<br>Practices Act                                   | Framme Law Firm,<br>Richmond  | June 23, 2006         |
| Fair Debt Collection Practices Act   | Naval Justice School<br>Newport, Rhode Island   | May 22 , 2006         |
| Fair Debt Collection Practices Act –<br>Essential Tips for Both Debtors and<br>Creditors | Virginia CLE - 4 <sup>th</sup><br>Annual Advanced<br>Consumer Bankruptcy,<br>Richmond                       | April 28,<br>2006     |
| Fair Debt Collection Practices Act   | 3 <sup>rd</sup> Annual Naval Legal<br>Service Office, Mid-<br>Atlantic, Auto Fraud<br>Symposium,<br>Norfolk | April 12,<br>2006     |
| What the Virginia Lawyer Must Know<br>about Consumer Protection                          | Solo and Small Firm<br>Conference – Virginia<br>Trial Lawyers<br>Association,                               | September 30,<br>2005 |

## Charlottesville

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| Points to consider if You are Going to Arbitration   | National Consumer Law Center's 13 <sup>th</sup> Annual Consumer Rights Litigation Conference      | November 7, 2004       |
| Protecting Your Client's Consumer Rights – Fair Debt Collections Practices Act                     | Virginia CLE - Richmond and Tysons Corner   | April 21 and 22, 2004  |
| Fair Debt Collections Practices Act Training Conference – Practice Issues                          | National Consumer Law Center and National Association of Consumer Advocates, Kansas City          | February 22, 2004      |
| Fair Debt Collections Practices Act  | Henrico County Bar Association and Virginia Creditor's Bar Association, Richmond                  | February 19, 2004      |
| Using Experts in Automobile Sale Wreck Damage Cases  | IVAN Diminished Value Conference, Chesapeake  | January 31, 2004       |
| Consumer Law: Everything You Need to Know to be an Expert in Handling the Latest in Consumer Cases | First Annual Solo and Small Firm Conference – Virginia Trial Lawyers Association, Charlottesville | October 10, 2003       |
| Points To Consider If You Are Going To Arbitration   | Virginia Women Attorney's Association, Southside Chapter, Petersburg                              | July 31, 2003          |
| Fair Debt Collection Practices Act   | Virginia CLE, First Advanced Consumer Bankruptcy Conference                                       | May 2, 2003            |
| Fair Debt Collection Practices Act Fair Credit Reporting Act                                       | Naval Justice School Newport, Rhode Island  | April 3, 2003          |
| Overview of the Fair Debt Collections Practices Act  | Framme Law Firm, Richmond   | December 17 & 18, 2002 |
| Arbitrating: Who's Afraid of the Big Bad   | National Consumer Law   | October 26,            |

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| Wolf?  | Center Consumer Rights<br>Litigation Conference,<br>Atlanta   | 2002                  |
| Mobile Home Litigation Issues  | National Consumer Law<br>Center Consumer Rights<br>Litigation Conference,<br>Atlanta                                  | October 25,<br>2002   |
| Settlement Agreements and<br>Confidentiality Issues: Recent Cases in<br>the News and the Problems News<br>Attention Can Create | Virginia Trial Lawyers<br>Association Fall Fiesta,<br>Richmond  | September 28,<br>2002 |
| Practice Pointers Roundtable   | Virginia Trial Lawyers<br>Association Fall Fiesta,<br>Richmond  | September 27,<br>2002 |
| Arbitration and Beyond: What to Do If<br>You Are Forced Into Arbitration and<br>What Happens After the Arbitral Award          | Virginia Trial Lawyers<br>Association Fall Fiesta,<br>Richmond  | September 27,<br>2002 |
| Fair Debt Collection   | ABA Standing<br>Committee on Legal<br>Assistance for Military<br>Personnel Legal<br>Assistance Symposium,<br>Quantico | August 15,<br>2002    |
| Practical Applications of Consumer<br>Protection Laws for the General<br>Practitioner – Part II                                | Virginia Women<br>Attorneys Association,<br>Southside Chapter,<br>Petersburg  | June 27, 2002         |
| Practical Applications of Consumer<br>Protection Laws for the General<br>Practitioner – Part I                                 | Virginia Women<br>Attorneys Association,<br>Southside Chapter,<br>Petersburg  | April 25,<br>2002     |
| Federal Court-Fun & Easy   | Annual Statewide Legal<br>Aid Conference, Virginia<br>Beach   | November 1,<br>2001   |
| FDCPA Compliance for the Virginia<br>Practitioner  | National Business<br>Institute CLE for Virginia<br>Lawyers, Richmond  | October 11,<br>2001   |

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| Use of Magnuson-Moss Warranty Act in the Recovery of Attorney's Fees                | Virginia Trial Lawyers Association Fiesta 3, Richmond  | September 28, 2001     |
| Credit Reporting Abuse  | Petersburg Kiwanis Breakfast Club, Petersburg  | September 18, 2001     |
| A Consumer Lawyer's Perspective on Mobile Home Transactions                         | Virginia Manufactured Housing Association, Virginia Beach  | August 8, 2001         |
| Debt Collection Harassment, Credit Reporting Abuse, Home Solicitation Sales, Fraud. | Elder Law Day  | May 11, 2001           |
| Truth in Lending Act and Title Issues in Car Sales                                  | VA Independent Automobile Dealers Association, District 1 Dinner Meeting, Virginia Beach, Virginia | April 11, 2001         |
| What do these attorneys know about the used car business that you don't?            | VA Independent Automobile Dealers Association, District 2 Dinner Meeting, Richmond, Virginia       | January 30, 2001       |
| Mobile Home Litigation Issues   | National Consumer Law Center Consumer Rights Conference  | October 28, 2000       |
| Update on the Fair Debt Collection Practices Act                                    | Virginia CLE®  | July 12 and 19, 2000   |
| Consumer Privacy in the Electronic Age  | The Bar Association of the City of Richmond  | May 31, 2000           |
| Consumer Law Update for Virginia Practitioners, Fair Debt Collection Practices Act. | Virginia CLE®  | December 7 and 8, 1999 |
| Recent Developments in Fair Debt Collection, With an Emphasis on the Fourth Circuit | Annual Statewide Legal Aid Conference  | November 3, 1999       |



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| Recent Developments in Fair Debt Collection  | The Bankruptcy Section of the Bar Association of the City of Richmond            | October 26, 1999   |
| Consumer Law Seminar   | Office of the Staff Judge Advocate, Ft. Eustis, Virginia                         | August 27, 1999    |
| Automobile Fraud and Financing Issues  | Annual Statewide Legal Aid Conference  | November 11, 1998  |
| Consumer Law for Support Staff   | Annual Statewide Legal Aid Conference  | November 11, 1998  |
| First Day in Practice (Topic: Consumer Law Practice)   | Virginia State Bar   | November 3, 1998   |
| Complying with the Fair Debt Collection Practices Act in Virginia  | National Business Institute CLE for Virginia Lawyers                             | September 9, 1998  |
| Basic Overview of Several Consumer Protection Laws Available to Assist Victims of Consumer Fraud and Abuse | Charlottesville-Albemarle Bar Association Bankruptcy/Creditors' Rights Committee | February 10, 1998  |
| Overview of Consumer Law for Support Staff   | Annual Statewide Legal Aid Conference  | November 6, 1997   |
| The Fair Debt Collection Practices Act   | Annual Statewide Legal Aid Conference  | November 6, 1997   |
| Recent Developments under the Fair Debt Collection Practices Act   | Virginia Creditor's Bar Association  | September 25, 1997 |
| Fair Debt Collection Practices Act   | 10 <sup>th</sup> Circuit Bar Association   | April 23, 1997     |
| Complying With the Fair Debt Collection Practices Act in Virginia  | National Business Institute CLE for Virginia Lawyers                             | February 11, 1997  |
| Handling Repossession Cases (gave  | Virginia Legal Services  |                    |

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| segment on odometer law)   | Consumer Law Task Force                                       |                |
| State and Federal Consumer Protection Statutes Frequently Applicable to General District Court Cases | Judicial Conference of Virginia General District Court Judges | April 29, 1989 |
| Everything Under the Sun You Ever Wanted to Know About Handling Home Improvement Cases               | Elderly Law Task Force of Virginia Legal Services Programs    |                |
| Consumer Law for Non Consumer Lawyers  | Virginia Legal Services Attorneys                             |                |
| Handling Home Improvement Cases  | Consumer Law Training for Virginia Legal Services Attorneys   |                |

10. The Summer 2006 edition of *The Journal of the Virginia Trial Lawyers Association*, included “Disputing Home Loan Servicing Abuse Through RESPA,” an article that I prepared for that publication.

11. Since 2001, I have prepared annual reports on Virginia law for the American Bar Association’s *Survey of State Class Action Law*.

12. I was Section Chairman and Program Moderator for a Virginia Trial Lawyers Association Consumer Law Seminar entitled “Keeping the Big Boys Honest,” that took place on April 25, 1997, and covered the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, Consumer Class Actions, Motor Vehicle Litigation, and Recovering Attorney’s Fees in Consumer Litigation. I was Program Chair for the Consumer Law portion of the VTLA’s February Fiesta CLE that took place in Williamsburg in February, 2000. I was a presenter on Mobile Home Sales, and in a Consumer Law Practice Roundtable. I was Program Chair for the Consumer Law portion of the VTLA’s Fall Fiesta that took place in Williamsburg on October 14

and 15, 2000, and was a presenter on Emerging Issues in Mobile Home Sales Fraud. I was program Chair for the Consumer Law portion of the VTLA's Fiesta 3 that took place in Richmond on September 28 and 29, 2001, and was a presenter on "Use of the Magnuson-Moss Warranty Act to Recover Attorney's Fees." I was program Chair for the Consumer Law portion of the VTLA's Fiesta 2002 that took place in Richmond on September 27 and 28, 2002, and was a presenter on "Settlement Agreements and Confidentiality Issues: Recent Cases in the News and the Problems News Attention Can Create," "Arbitration and Beyond: What to Do If You Are Forced Into Arbitration and What Happens After the Arbitral Award," and a roundtable participant in a "Practice Pointers Roundtable."

13. I have been involved in many consumer cases involving a range of consumer protection laws, with an emphasis on the Fair Debt Collection Practices Act. Fair Debt Collection Practices Act cases that I have handled alone or co-counseled with others include Withers v. Eveland, 988 F. Supp. 942 (E.D. Va. 1997); Creighton v. Emporia Credit Service, Inc., 981 F. Supp. 411 (E.D. Va. 1997); Morgan v. Credit Adjustment Board, 999 F. Supp. 803 (E.D. Va. 1998); Talbott v. GC Services Limited Partnership, 53 F. Supp. 2d 846 (W.D. Va. 1999); Talbott v. GC Services Limited Partnership, 191 F.R.D. 99 (W.D. Va. 2000); Woodard v. Online Information Servs., 191 F.R.D. 502 (E.D.N.C., Jan. 19, 2000); Jones v. Robert Vest, 2000 U.S. Dist. LEXIS 18413 (E.D. Va. 2000); Kelly v. Jormandy, 2005 U.S. Dist. Lexis 29901 (W.D. Va. 2005); Turner v. Shenandoah Legal Group, P.C., 2006 U.S. Dist. LEXIS 39341 (E.D. Va., June 12, 2006); Karnette v. Wolpoff & Abramson L.L.C., 2006 U.S. Dist. LEXIS 53382 (E.D. Va. Aug. 2, 2006); Croy v. E. Hall & Associates, P.L.L.C., 2007 U.S. Dist. LEXIS 14830 (W.D. Va. 2007); and Karnette v. Wolpoff & Abramson, L.L.P., 2007 U.S. Dist. LEXIS 20794 (E.D. Va. March 23, 2007). I was one of several lawyers representing plaintiff classes in a

Multidistrict FDCPA class action, styled In Re Dun & Bradstreet, Inc. Debt Collection Practices Litigation, MDL #1198. The cases, originally transferred by the Judicial Panel on Multidistrict Litigation to the Western District of Virginia, Danville Division, for consolidated pretrial proceedings, were centralized before the Northern District of Illinois for purposes of finalizing settlement. Classes were certified by Judges Kiser and Boyle in the Talbott and Woodard cases. Judge Wilson certified a class in Gansauer v. Transworld Systems, Inc., Civil Action No. 7:00cv00931, a case under the Fair Debt Collections Practices Act. Judge Conrad certified a class in Kashani v. Integrity Collections, Civil Action No. 5:06cv73, a case under the Fair Debt Collections Practices Act.

14. I served as Special Master in the case styled Silva v. Haynes Furniture Company, Inc., Civil Action No. 4:04cv082, E.D.Va., an ECOA/FCRA class action, having been appointed by Judge Kelley on January 27, 2006.

15. On November 9, 2007, I received the 2007 Consumer Attorney of the Year Award from the National Association of Consumer Advocates at its Annual Meeting in Washington, D.C.

16. I am familiar with the Virginia Lawyers Weekly Article described in Mr. Bennett's related declaration and in fact was quoted in the article. Alan D. Wingfield's statement that consumer protection litigation is "a specialized area, and [...] requires knowing what you're doing" is very true. The interplay between the range of consumer protection laws, both state and federal, and in particular the integration between consumer credit and separate consumer fraud protection statutes is complex and subjects the inexperienced attorney to significant pitfalls and obstacles. Though much of this work is in complex regulated fields, many of the statutory provisions or legal concepts involved remain "cutting edge" and are subject to misinterpretation

by opposing arguments. It is essential that a consumer plaintiff be represented by an attorney with specialized consumer protection experience and knowledge.

17. I have personal knowledge of the attorneys who practice on the consumer side of the fence in this field in the Eastern District of Virginia. I estimate that there are fewer than eight with significant consumer protection litigation experience in federal court and only one or two with experience comparable to Mr. Bennett's.

18. I have known Mr. Bennett for over a decade and have co-counseled a number of federal cases with him. I have also followed his practice and his contributions to the development of law in the consumer protection field. I am also aware of his work outside the state and have co-taught, participated in, and observed continuing legal education programs in which he instructed.

19. Having handled consumer protection cases since 1977, I have been in the position to observe, more or less "from the beginning," the development of both the field of consumer protection law and the body of federal and state consumer protection law on which this area of practice is based.

20. Similarly, I have known and followed the development of the legal practices of the vast majority of consumer protection practitioners representing consumers in America, and, as far as I am able to determine, all such practitioners in Virginia.

21. I have for a number of years held the view that Mr. Bennett ranks at the very top of America's consumer protection plaintiff's bar. I would be hard pressed to argue with anyone who takes the position that Mr. Bennett is the top plaintiff's side FCRA litigator in the country. The depth of his personal knowledge of the nature, workings and practices of the credit reporting industry is vast, and, in my view, in excess of pretty much any other lawyer in the United States.

22. More generally, I have had an opportunity to survey the current hourly rates charged in this District and Division, as well as in the consumer protection field. My current billing rate is \$425 per hour. Given the specific knowledge I have as to hourly rates charged and approved in this District and Division, I am comfortable stating that the average hourly rates for federal litigation attorneys in this District and Division range between \$300 and at least \$600, depending upon the market targeted by the law firm (for example, insurance defense work is typically paid at rates at the lower ends of this range, while specialized consumer credit defense attorneys at national firms are paid towards the higher end). Mr. Bennett's hourly rate in this market clearly rests at the top half of this range and should not be at the \$450 level that I understand him to be seeking in this case. I personally believe that he should bill at and receive a rate of at least \$500 per hour.

23. I am thus aware that Mr. Bennett charges an hourly rate of \$450. This rate is well within the range of reasonable hourly rates for attorneys specialized in this field and as well for attorneys of Mr. Bennett's experience practicing in this District and Division.

I declare under penalty of perjury of the laws of the United States that the foregoing is correct.

Signed this 28th day of May, 2010.

/s/  
Dale W. Pittman, VSB #15673  
THE LAW OFFICE OF DALE W. PITTMAN, P.C.  
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